

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMES VERNON PAULEY,

Petitioner

v.

Civil Action No.: 2:07-0434

JOHN MCKAY, Administrator,
South Central Regional Jail,

Respondent

MEMORANDUM OPINION AND ORDER

Pending is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed July 12, 2007.

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who, on July 30, 2007, submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

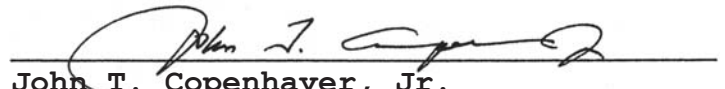
The court, as noted, having received the magistrate judge's Proposed Findings and Recommendation; and the magistrate judge having recommended that the court dismiss the section 2254 petition without prejudice pending exhaustion of available state remedies; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court;

2. The section 2254 petition, and this action, be, and they hereby are, dismissed without prejudice;

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, any unrepresented parties, and the magistrate judge.

DATED: January 22, 2008


John T. Copenhaver, Jr.
United States District Judge